

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

META PLATFORMS, INC.,
Plaintiff,
v.
BRANDTOTAL LTD., et al.,
Defendants.

Case No. 20-cv-07182-JCS

**ORDER REGARDING MOTION TO
EXTEND TIME**

Re: Dkt. No. 257

Defendants BrandTotal Ltd. and Unimania, Inc. (collectively, “BrandTotal”) move for an extension of time for their brief in opposition to the motion for sanctions filed by Plaintiff Meta Platforms, Inc. (“Meta”). BrandTotal’s motion is GRANTED IN PART, and BrandTotal shall file its opposition to sanctions no later than March 23, 2022—two days after Meta’s deposition of former BrandTotal employee Oren Dor is scheduled to occur in Israel. Meta shall file its reply no later than March 30, 2022. The hearing on the sanctions motion is CONTINUED to April 29, 2022 at 9:30 AM, to occur at the same hearing as the parties’ motions for summary judgment and motions to exclude expert testimony.¹


The parties dispute whether a previous stipulated order that BrandTotal “will not rely on any future testimony testimony [sic] from Messrs. Leshman or Dor,” dkt. 216 ¶ 10, precludes BrandTotal citing testimony that Meta takes at the upcoming deposition. The Court declines to interpret that stipulation as barring use of such testimony for the purpose of opposing Meta’s

¹ The Court notes Meta’s position that sanctions should be addressed before summary judgment. Given that even under Meta’s proposed schedule, briefing on summary judgment would close before the hearing on the motion for sanctions, the Court finds no significant benefit to hearing argument on the sanctions motion separately from the summary judgment motions.

1 motion for sanctions based on Dor's purported perjury.² Beyond that limited permissible use, the
2 mutual intent of the parties' stipulation is not entirely clear. The Court reserves for resolution in
3 conjunction with summary judgment, the sanctions motion, or trial the question of whether
4 BrandTotal may cite Dor's post-stipulation deposition testimony taken by Meta for any purpose
5 other than to oppose sanctions based on Dor's alleged false testimony.

6 **IT IS SO ORDERED.**

7 Dated: March 9, 2022

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9 JOSEPH C. SPERO
Chief Magistrate Judge

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United States District Court
Northern District of California

27 ² Meta objects to the Court resolving this issue without further briefing on a noticed motion, but
28 the case schedule does not include sufficient time for such briefing, and further briefing would not
alter the Court's conclusion as to the use of Dor's deposition testimony in opposing the sanctions
motion.